

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 1:22-cr-20215-GAYLES/TORRES

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MARTIN ANTHONY TRENCH and
BENJAMIN MARTE SANDOVAL,**

Defendants.

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ORDER

THIS CAUSE comes before the Court on Chief Magistrate Edwin G. Torres’ Report and Recommendation (the “Report”), [ECF No. 23], regarding Defendant Martin Anthony Trench’s (“Defendant Trench”) Motion to Dismiss Indictment, [ECF No. 17], and Defendant Benjamin Marte Sandoval’s (“Defendant Sandoval”) Motion to Adopt and Supplement Co-Defendant’s Motion to Dismiss, [ECF No. 19], (collectively the “Motions”). On August 17, 2022, the action was referred to Judge Torres, pursuant to 28 U.S.C. § 636(b)(1)(B), for a ruling on Defendant Trench’s motion.¹ [ECF No. 18]. On October 17, 2022, Judge Torres issued his report recommending that Defendants’ Motions be denied. [ECF No. 23]. No objections were filed by either party. For the reasons that follow, the Court affirms and adopts the Report.

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings

¹ Defendant Sandoval effectively joined, adopted, and supplemented Defendant Trench’s initial motion on August 18, 2022. [ECF No. 19].

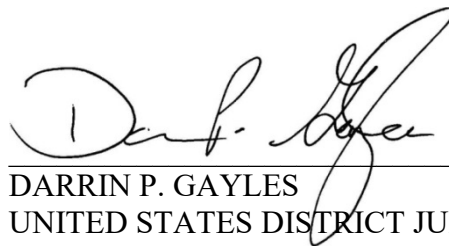
that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006).

Having reviewed the Report for clear error, the Court agrees with Judge Torres’ well-reasoned analysis and conclusion that Defendants’ Motions should be denied.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

- (1) Chief Magistrate Judge Torres’ Report and Recommendation, [ECF No. 23], is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference.
- (2) Defendant Trench’s Motion to Dismiss Indictment, [ECF No. 17], is **DENIED**.
- (3) Defendant Sandoval’s Motion to Adopt and Supplement Co-Defendant’s Motion to Dismiss, [ECF No. 19], is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 20th day of October, 2022.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE